United Nations A/C.6/64/L.8

General Assembly

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26 October 2009

Original: English

Sixty-fourth session
Sixth Committee
Agenda item 78
Criminal accountability of United Nations officials and experts on mission

Draft resolution

Criminal accountability of United Nations officials and experts on mission

The General Assembly,

Recalling its resolution 59/281 of 29 March 2005, in which it endorsed the recommendation in paragraph 56 of the report of the Special Committee on Peacekeeping Operations[1] that the Secretary-General make available to the United Nations membership a comprehensive report on the issue of sexual exploitation and abuse in United Nations peacekeeping operations,

Noting that the Secretary-General, on 24 March 2005, transmitted to the President of the General Assembly a report of his Adviser concerning sexual exploitation and abuse by United Nations peacekeeping personnel,[2]

Recalling its resolution 59/300 of 22 June 2005 endorsing the recommendation of the Special Committee on Peacekeeping Operations[3] that a group of legal experts be established to provide advice on the best way to proceed so as to ensure that the original intent of the Charter of the United Nations can be achieved, namely that United Nations staff and experts on mission would never be effectively exempt from the consequences of criminal acts committed at their duty station, nor unjustly penalized without due process,

Recognizing the valuable contribution of United Nations officials and experts on mission towards the fulfilment of the principles and purposes of the Charter,

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[1] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 19* (A/59/19/Rev.1), part one, chap. III, sect. D.

[2] See A/59/710.

[3] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 19* (A/59/19/Rev.1), part two, chap. II, sect. N.

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Please recycle

Reaffirming the need to promote and ensure respect for the principles and rules of international law,

Reaffirming also that the present resolution is without prejudice to the privileges and immunities of United Nations officials and experts on mission and the United Nations under international law,

Reaffirming further the obligation of United Nations officials and experts on mission to respect the national laws of the host State, as well as the right of the host State to exercise, where applicable, its criminal jurisdiction, in accordance with the relevant rules of international law and agreements governing operations of United Nations missions,

Deeply concerned by reports of criminal conduct, and conscious that such conduct, if not investigated and, as appropriate, prosecuted, would create the negative impression that United Nations officials and experts on mission operate with impunity,

Reaffirming the need to ensure that all United Nations officials and experts on mission function in a manner that preserves the image, credibility, impartiality and integrity of the United Nations,

Emphasizing that crimes committed by such persons are unacceptable and have a detrimental effect on the fulfilment of the mandate of the United Nations, in particular with respect to the relations between the United Nations and the local population in the host country,

Conscious of the importance of protecting the rights of victims of criminal conduct, as well as ensuring adequate protection for witnesses, and noting the adoption of its resolution 62/214 of 21 December 2007 on the United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel,

Emphasizing the need to enhance international cooperation to ensure the criminal accountability of United Nations officials and experts on mission,

Recalling its resolution 61/29 of 4 December 2006, establishing the Ad Hoc Committee on criminal accountability of United Nations officials and experts on mission,

Having considered the report of the Group of Legal Experts established by the Secretary-General pursuant to resolution 59/300[4] and the report of the Ad Hoc Committee,[5] as well as the note by the Secretariat[6] and the reports of the Secretary-General[7] on criminal accountability of United Nations officials and experts on mission,

Recalling its resolutions 62/63 of 6 December 2007 and 63/119 of 11 December 2008,

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[4] See A/60/980.

[5] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 54* (A/63/54).

[6] A/62/329.

[7] A/63/260 and Add.1 and A/64/183 and Add.1.

Convinced of the need for the United Nations and its Member States to urgently take strong and effective steps to ensure criminal accountability of United Nations officials and experts on mission in the interest of justice,

1. *Expresses its appreciation* for the work done by the Working Group of the Sixth Committee on criminal accountability of United Nations officials and experts on mission;

2. *Strongly urges* States to take all appropriate measures to ensure that crimes by United Nations officials and experts on mission do not go unpunished and that the perpetrators of such crimes are brought to justice, without prejudice to the privileges and immunities of such persons and the United Nations under international law, and in accordance with international human rights standards, including due process;

3. *Strongly urges* all States to consider establishing to the extent that they have not yet done so jurisdiction, particularly over crimes of a serious nature, as known in their existing domestic criminal laws, committed by their nationals while serving as United Nations officials or experts on mission, at least where the conduct as defined in the law of the State establishing jurisdiction also constitutes a crime under the laws of the host State;

4. *Encourages* all States to cooperate with each other and with the United Nations in the exchange of information and in facilitating the conduct of investigations and, as appropriate, prosecution of United Nations officials and experts on mission who are alleged to have committed crimes of a serious nature, in accordance with their domestic laws and applicable United Nations rules and regulations, fully respecting due process rights, as well as to consider strengthening the capacities of their national authorities to investigate and prosecute such crimes;

5. *Also encourages* all States:

(a) To afford each other assistance in connection with criminal investigations or criminal or extradition proceedings in respect of crimes of a serious nature committed by United Nations officials or experts on mission, including assistance in obtaining evidence at their disposal in accordance with their domestic law or any treaties or other arrangements on extradition and mutual legal assistance that may exist between them;

(b) In accordance with their domestic law, to explore ways and means of facilitating the possible use of information and material obtained from the United Nations for purposes of criminal proceedings initiated in their territory for the prosecution of crimes of a serious nature committed by United Nations officials and experts on mission, bearing in mind due process considerations;

(c) In accordance with their domestic law, to provide effective protection for victims of, witnesses to, and others who provide information in relation to, crimes of a serious nature alleged to have been committed by United Nations officials and experts on mission and to facilitate access by victims to victim assistance programmes, without prejudice to the rights of the alleged offender, including those relating to due process;

(d) In accordance with their domestic law, to explore ways and means of responding adequately to requests by host States for support and assistance in order to enhance their capacity to conduct effective investigations in respect of crimes of a

serious nature alleged to have been committed by United Nations officials and experts on mission;

6. *Requests* the Secretariat to continue to ensure that requests to Member States seeking personnel to serve as experts on mission make States aware of the expectation that persons who serve in that capacity should meet high standards in their conduct and behaviour and are aware that certain conduct may amount to a crime for which they may be held accountable;

7. *Urges* the Secretary-General to continue to take such other practical measures as are within his authority to strengthen existing training on United Nations standards of conduct, including through predeployment and in-mission induction training for United Nations officials and experts on mission;

8. *Decides*, bearing in mind resolutions 62/63 and 63/119, that the consideration of the report of the Group of Legal Experts, in particular its legal aspects,[4] taking into account the views of Member States and the information contained in the note by the Secretariat,[6] shall be continued during its sixty-seventh session in the framework of a working group of the Sixth Committee;

9. *Requests* the Secretary-General to bring credible allegations that reveal that a crime may have been committed by United Nations officials or experts on mission to the attention of the States against whose nationals such allegations are made, and to request from those States an indication of the status of their efforts to investigate and, as appropriate, prosecute crimes of a serious nature, as well as the types of appropriate assistance States may wish to receive from the Secretariat for the purposes of such investigations and prosecutions;

10. *Requests* the United Nations, when its investigations into allegations suggest that crimes of a serious nature may have been committed by United Nations officials or experts on mission, to consider any appropriate measures that may facilitate the possible use of information and material for purposes of criminal proceedings initiated by States, bearing in mind due process considerations;

11. *Encourages* the United Nations, when allegations against United Nations officials or experts on mission are determined by a United Nations administrative investigation to be unfounded, to take appropriate measures, in the interests of the Organization, to restore the credibility and reputation of such officials and experts on mission;

12. *Urges* the United Nations to continue cooperating with States exercising jurisdiction in order to provide them, within the framework of the relevant rules of international law and agreements governing activities of the United Nations, with information and material for purposes of criminal proceedings initiated by States;

13. *Emphasizes* that the United Nations, in accordance with the applicable rules of the Organization, should take no action that would retaliate against or intimidate United Nations officials and experts on mission who report allegations concerning crimes of a serious nature committed by United Nations officials and experts on mission;

14. *Takes note with appreciation* of the information provided by Governments in response to its resolutions 62/63 and 63/119, and urges Governments to continue taking the necessary measures for the implementation of those resolutions, including their provisions addressing the establishment of jurisdiction, particularly over

crimes of a serious nature, as known in their existing domestic criminal laws, committed by their nationals while serving as United Nations officials or experts on mission, as well as cooperation among States;

15. *Reiterates* its request to the Secretary-General to report to the General Assembly at its sixty-fifth session on the implementation of the present resolution, in particular with respect to paragraphs 3, 5 and 9 above, as well as any practical problems in its implementation, on the basis of information received from Governments and the Secretariat;

16. *Also requests* the Secretary-General to include in the report information on the number and types of credible allegations and any actions taken by the United Nations and its Member States regarding crimes of a serious nature committed by United Nations officials and experts on mission;

17. *Further requests* the Secretary-General to include in his report information on how the United Nations might support Member States, upon their request, to develop domestic criminal law relevant to crimes of a serious nature committed by their nationals while serving as United Nations officials or experts on mission;

18. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "Criminal accountability of United Nations officials and experts on mission".

United Nations A/C.6/64/L.9

General Assembly

Distr.: Limited
3 November 2009

Original: English

Sixty-fourth session
Sixth Committee
Agenda item 82
Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Draft resolution

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Taking note of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council,[1]

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Recalling also its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,

[1] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 47* (A/62/47).

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Concerned about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recalling also that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Mindful of the adoption of the revised working papers on the working methods of the Special Committee,[2]

Taking note of the report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*,[3]

Taking note also of paragraphs 106 to 110, 176 and 177 of the 2005 World Summit Outcome,[4]

Mindful of the decision of the Special Committee in which it expressed its readiness to engage, as appropriate, in the implementation of any decisions that might be taken at the High-level Plenary Meeting of the sixtieth session of the General Assembly in September 2005 that concerned the Charter and any amendments thereto,[5]

Recalling the provisions of its resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998, 54/107 of 9 December 1999, 55/157 of 12 December 2000, 56/87 of 12 December 2001, 57/25 of 19 November 2002, 58/80 of 9 December 2003 and 59/45 of 2 December 2004,

Recalling also its resolution 63/127 of 11 December 2008,

Having considered the report of the Special Committee on the work of its session held in 2009,[6]

Noting with appreciation the work done by the Special Committee to encourage States to focus on the need to prevent and to settle peacefully their disputes which are likely to endanger the maintenance of international peace and security,

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[6]

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[2] Ibid., *Sixty-first Session, Supplement No. 33* (A/61/33), para. 72.

[3] A/64/125.

[4] See resolution 60/1.

[5] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 33* (A/60/33), para. 77.

[6] Ibid., *Sixty-fourth Session, Supplement No. 33* (A/64/33).

2. *Takes note also* of the document entitled "Introduction and implementation of sanctions imposed by the United Nations" as set out in the annex to the present resolution;

3. *Decides* that the Special Committee shall hold its next session from 1 to 9 March 2010;

4. *Requests* the Special Committee, at its session in 2010, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:

(a) To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations, and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 2010;

(b) To continue to consider, on a priority basis and in an appropriate substantive manner and framework, the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter based on all of the related reports of the Secretary-General[7] and the proposals submitted on the question;

(c) To keep on its agenda the question of the peaceful settlement of disputes between States;

(d) To consider, as appropriate, any proposal referred to it by the General Assembly in the implementation of the decisions of the High-level Plenary Meeting of the sixtieth session of the Assembly in September 2005 that concern the Charter and any amendments thereto;

(e) To continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency with a view to identifying widely acceptable measures for future implementation;

5. *Invites* the Special Committee at its session in 2010 to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations;

6. *Notes* the readiness of the Special Committee to provide, within its mandate, such assistance as may be sought at the request of other subsidiary bodies of the General Assembly in relation to any issues before them;

7. *Requests* the Special Committee to submit a report on its work to the General Assembly at its sixty-fifth session;

8. *Recognizes* the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, as well as the importance of having recourse to the Court in the peaceful settlement of disputes, takes note, consistent with Article 96 of the Charter, of the Court's advisory jurisdiction that may be requested by the General

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[7] A/48/573-S/26705, A/49/356, A/50/60-S/1995/1, A/50/361, A/50/423, A/51/317, A/52/308, A/53/312, A/54/383 and Add.1, A/55/295 and Add.1, A/56/303, A/57/165 and Add.1, A/58/346, A/59/334, A/60/320, A/61/304, A/62/206 and Corr.1, A/63/224 and A/64/225.

Assembly, the Security Council or other authorized organs of the United Nations and the specialized agencies, and requests the Secretary-General to distribute, in due course, the advisory opinions requested by the principal organs of the United Nations as official documents of the United Nations;

9. *Commends* the Secretary-General for the progress made in the preparation of studies of the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*;

10. *Notes with appreciation* the contributions made by Member States to the trust fund for the updating of the *Repertoire*, as well as the trust fund for the elimination of the backlog in the *Repertory*;

11. *Reiterates* its call for voluntary contributions to the trust fund for the updating of the *Repertoire*; voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory* so as to further support the Secretariat in carrying out the effective elimination of that backlog; as well as the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the two publications;

12. *Calls upon* the Secretary-General to continue his efforts towards updating the two publications and making them available electronically in all their respective language versions;

13. *Reiterates* the responsibility of the Secretary-General for the quality of the *Repertory* and the *Repertoire*, and with regard to the *Repertoire*, calls upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report of 18 September 1952;[8]

14. *Requests* the Secretary-General to submit a report on both the *Repertory* and the *Repertoire* to the General Assembly at its sixty-fifth session;

15. *Also requests* the Secretary-General to brief the Special Committee at its next session on the information referred to in paragraph 11 of his report on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions;[9]

16. *Further requests* the Secretary-General to submit a report on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions to the General Assembly at its sixty-fifth session, under the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization";

17. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

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[8] A/2170.

[9] A/64/225.

Annex

Introduction and implementation of sanctions imposed by the United Nations

I. General issues

1. Sanctions remain an important tool under the Charter of the United Nations in efforts to maintain international peace and security without recourse to the use of force. Sanctions should be carefully targeted in support of clear and legitimate objectives under the Charter and be implemented in ways that balance effectiveness to achieve the desired results against possible adverse consequences, including socio-economic and humanitarian consequences, for populations and third States.

2. The purpose of sanctions is to modify the behaviour of the target State, party, individual or entity threatening international peace and security and not to punish or otherwise exact retribution. Sanctions regimes should be commensurate with these objectives.

3. Sanctions may be resorted to by the Security Council when it determines the existence of any threat to the peace, breach of the peace, or act of aggression. The Security Council should be guided by the approach taken in annex II to General Assembly resolution 51/242, where it is indicated that sanctions should be resorted to only with the utmost caution, when other peaceful options provided by the Charter are inadequate. The reasons that necessitate the imposition of sanctions should be identified and stated in advance.

4. The Security Council should introduce sanctions in conformity with the provisions of the Charter, taking into account other applicable rules of international law, in particular all of those related to human rights and fundamental freedoms.

5. Best practices and guidelines adopted by the Security Council and the General Assembly in the field of sanctions, in particular those contained in the 2005 World Summit Outcome, General Assembly resolution 51/242 and Security Council resolutions 1730 (2006), 1735 (2006) and 1822 (2008), should be taken into account in the elaboration and implementation of sanctions regimes. The best practices and methods contained in the report of the Informal Working Group of the Security Council on General Issues of Sanctions (S/2006/997), as taken note of in Security Council resolution 1732 (2006), might also be considered for these purposes.

6. Sanctions should be implemented and monitored effectively with clear benchmarks and should, as appropriate, have an expiration date or be periodically reviewed with a view to lifting them or not, or to adjusting them, taking into account the humanitarian situation and depending on the fulfilment by the target State and other parties of the requirements of the Security Council. Sanctions should remain in place for as limited a period as necessary to achieve their objectives and be lifted once their objectives have been achieved.

7. Sanctions regimes with regard to individuals and entities should ensure that the decision to list such individuals and entities is based on fair and clear procedures, including, as appropriate, a detailed statement of case provided by Member States, and that regular reviews of names on the list are conducted; ensure, to the degree possible, maximum specificity in identifying individuals and entities

to be targeted; and ensure also that fair and clear procedures for de-listing exist early in sanctions regimes. Listed individuals and entities should be notified of the decision and of as much detail as possible in the publicly releasable portion of the statement of case. There should be an appropriate mechanism for handling individuals' or entities' requests for de-listing.

II. Unintended side effects of sanctions

8. Sanctions should avoid to the extent possible adverse humanitarian effects or unintended consequences for individuals and entities not targeted or third States. Targeted sanctions are a way of achieving this.

9. An objective assessment of the short-term and long-term socio-economic and humanitarian consequences of sanctions should be conducted by the Security Council and its sanctions Committees with the assistance of the Secretariat at the stage of their preparation, as appropriate, and in the course of their implementation. In this regard, the methodology for the assessment of the humanitarian implications of sanctions reflected in the *Sanctions Assessment Handbook* (2004) might be useful.

10. Information on the humanitarian consequences of the introduction and implementation of sanctions, including those which have a bearing on the basic living conditions of the civilian population of the target State, on its socio-economic development and on third States which have suffered or may suffer as a result of their implementation, may be useful for the Security Council and its sanctions committees to consider.

11. To the maximum extent possible, situations in which the consequences of the introduction of sanctions would inflict considerable material and financial harm on third States or in which the civilian population in the target State or third States would experience considerable adverse consequences should be avoided.

12. Humanitarian and other exemptions should be made available in a consistent manner to all targeted measures such as arms embargoes, travel restrictions, aviation bans and financial sanctions, and considered in accordance with fair and clear procedures.

13. Efforts should be made to ensure that sanctions regimes do not hinder an adequate supply of humanitarian assistance from reaching the civilian population. Targeted States and parties should cooperate to this end. Essential humanitarian assistance should be considered for exemption by the relevant United Nations bodies, including the sanctions committees.

14. The principles of neutrality, independence, transparency, impartiality and non-discrimination should guide the provision of humanitarian and medical assistance and other forms of humanitarian support for all sectors and groups of the civilian population.

15. Humanitarian and medical assistance and other forms of humanitarian support for all sectors and groups of the civilian population should not be provided without the consent of the recipient State or a request on its part.

16. In emergency situations and cases of force majeure (natural disasters, threat of famine, mass disturbances resulting in the disorganization of the country's

Government), consideration should be given to the suspension of sanctions in order to prevent a humanitarian disaster. A decision on this must be taken in each specific case.

17. Decisions on sanctions should be in accordance with the purposes and principles set out in the Charter of the United Nations. Sanctions regimes should be designed to avoid unintended consequences in the target State or third States which may lead to violations of human rights and fundamental freedoms.

III. Implementation

18. Sanctions should be implemented in good faith by all States.

19. Monitoring and compliance are first and foremost the responsibility of individual Member States. Member States should endeavour to prevent or correct activities in violation of the sanctions measures within their jurisdiction. In this regard the provisions of the report of the Informal Working Group of the Security Council on General Issues of Sanctions (S/2006/997) should be taken into account, as appropriate.

20. International monitoring by the Security Council or by one of its subsidiary organs of compliance with sanctions measures, in accordance with relevant Security Council resolutions, can contribute to the effectiveness of United Nations sanctions. States that may require assistance in the implementation and monitoring of sanctions may seek the assistance of the United Nations or relevant regional organizations and donors.

21. States and relevant international and regional organizations with the capacity to do so should be encouraged to offer appropriate technical and financial assistance to other States to enhance their capacity to implement sanctions effectively.

22. States should be encouraged to cooperate in exchanging information about the legislative, administrative and practical implementation of sanctions.

United Nations A/C.6/64/L.10

General Assembly

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26 October 2009

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Sixty-fourth session
Sixth Committee
Agenda item 79
Report of the United Nations Commission on International Trade Law on the work of its forty-second session

Albania, Algeria, Argentina, Armenia, Australia, Austria, Bangladesh, Belarus, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Congo, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Egypt, Estonia, Fiji, Finland, Gabon, Germany, Ghana, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Japan, Jordan, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Paraguay, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of): draft resolution

Report of the United Nations Commission on International Trade Law on the work of its forty-second session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its belief that the progressive modernization and harmonization of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would contribute significantly to universal economic cooperation among all States on a basis of equality, equity, common interest and respect for the rule of law, to the elimination of discrimination in international trade and, thereby, to peace, stability and the well-being of all peoples,

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Having considered the report of the Commission on the work of its forty-second session,[1]

Reiterating its concern that activities undertaken by other bodies in the field of international trade law without adequate coordination with the Commission might lead to undesirable duplication of efforts and would not be in keeping with the aim of promoting efficiency, consistency and coherence in the unification and harmonization of international trade law,

Reaffirming the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field, in particular to avoid duplication of efforts, including among organizations formulating rules of international trade, and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law, and to continue, through its secretariat, to maintain close cooperation with other international organs and organizations, including regional organizations, active in the field of international trade law,

1. *Takes note with appreciation* of the report of the United Nations Commission on International Trade Law on the work of its forty-second session;[1]

2. *Commends* the Commission for the completion and adoption of its Practice Guide on Cross-Border Insolvency Cooperation;[2]

3. *Welcomes* the progress made by the Commission in its work on a revision of its Model Law on Procurement of Goods, Construction and Services through the consideration by the Commission of chapter I of the revised Model Law, and encourages the Commission to complete its work on the Model Law as soon as possible;[3]

4. *Also welcomes* the progress made by the Commission in its work on a revision of its Arbitration Rules,[4] on the preparation of a draft legislative guide on the treatment of enterprise groups in insolvency and on the preparation of a supplement to its Legislative Guide on Secured Transactions dealing with security rights in intellectual property, and endorses the decision of the Commission to undertake further work in the area of arbitration,[5] electronic commerce,[6] transport law[7] and commercial fraud,[8] and to consider at its forty-third session proposals for future work in the areas of insolvency[9] and security interests,[10] as set out in the report;

5. *Further welcomes* the decision of the Commission to request the Secretariat to hold, resources permitting, an international colloquium on electronic commerce and another international colloquium on security interests;[11]

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[1] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 17* (A/64/17).
[2] Ibid., para. 24.
[3] Ibid., paras. 283-285.
[4] United Nations publication, Sales No. E.77.V.6.
[5] Ibid., paras. 299-300.
[6] Ibid., para. 343.
[7] Ibid., para. 334.
[8] Ibid., para. 354.
[9] Ibid., para. 308.
[10] Ibid., paras. 318-319.
[11] Ibid., paras. 319 and 343.

6. *Notes with appreciation* the decision of the Commission with regard to the publication of its Legislative Guide on Secured Transactions, a commentary on the United Nations Convention on the Assignment of Receivables in International Trade and a text discussing the interrelationship of various texts on security interests prepared by the Commission, the International Institute on the Unification of Private Law and the Hague Conference on Private International Law;[12]

7. *Also notes with appreciation* the decision of the Commission to commend the use of the 2007 revision of the Uniform Customs and Practice for Documentary Credits, prepared by the International Chamber of Commerce, as appropriate, in transactions involving the establishment of a documentary credit;[13]

8. *Welcomes* the progress made in the ongoing project of the Commission on monitoring the implementation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards done in New York on 10 June 1958[14] (the "New York Convention") and the preparation of a guide to enactment of the New York Convention to promote a uniform interpretation and application of the Convention;[15]

9. *Endorses* the efforts and initiatives of the Commission, as the core legal body within the United Nations system in the field of international trade law, aimed at increasing coordination of and cooperation on legal activities of international and regional organizations active in the field of international trade law, as well as promoting the rule of law at the national and international levels in this field, and, in this regard, appeals to relevant international and regional organizations to coordinate their legal activities with those of the Commission, to avoid duplication of efforts and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law;

10. *Reaffirms* the importance, in particular for developing countries, of the work of the Commission concerned with technical assistance and cooperation in the field of international trade law reform and development, and in this connection:

(*a*) Welcomes the initiatives of the Commission towards expanding, through its secretariat, its technical assistance and cooperation programme and, in that respect, encourages the Secretary-General to seek partnerships with State and non-State actors to increase awareness about the work of the Commission and facilitate the effective implementation of legal standards resulting from its work;

(*b*) Expresses its appreciation to the Commission for carrying out technical assistance and cooperation activities, including at the country, subregional and regional levels, and for providing assistance with legislative drafting in the field of international trade law, and draws the attention of the Secretary-General to the limited resources that are made available in this field;

(*c*) Expresses its appreciation to the Governments whose contributions enabled the technical assistance and cooperation activities to take place, and appeals to Governments, the relevant bodies of the United Nations system, organizations,

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[12] Ibid., paras. 315 and 321.

[13] Ibid., para. 357.

[14] United Nations, *Treaty Series*, vol. 330, No. 4739.

[15] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 17* (A/64/17), para. 360.

institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law Trust Fund for Symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in carrying out technical assistance activities, in particular in developing countries;

(*d*) Reiterates its appeal to the United Nations Development Programme and other bodies responsible for development assistance, such as the World Bank and regional development banks, as well as to Governments in their bilateral aid programmes, to support the technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission, in the light of the relevance and importance of the work and programmes of the Commission for promotion of the rule of law at the national and international levels and for the implementation of the United Nations development agenda, including the achievement of the Millennium Development Goals;

(*e*) Notes the Commission's request for the Secretariat to explore the possibility of establishing a presence in regions or specific countries through, for example, having dedicated staff in United Nations field offices, collaboration with such existing field offices or establishing Commission country offices with a view to facilitating the provision of technical assistance with respect to the use and adoption of Commission texts;[16]

11. *Expresses its appreciation* to the Government whose contribution to the trust fund established to provide travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General, enabled renewal of the provision of that assistance, and appeals to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the trust fund in order to increase expert representation from developing countries at sessions of the Commission and its working groups, necessary to build local expertise and capacities in the field of international trade law in those countries to facilitate the development of international trade and the promotion of foreign investment;

12. *Decides*, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to continue, in the competent Main Committee during the sixty-fourth session of the General Assembly, its consideration of granting travel assistance to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

13. *Welcomes*, in the light of the recent increase in membership of the Commission and the number of topics being dealt with by the Commission, the comprehensive review undertaken by the Commission of its working methods, which was started at its fortieth session, with the aim of continuing consideration of the matter during its next sessions and with a view to ensuring the high quality of the work of the Commission and international acceptability of its instruments, and in this regard recalls its previous resolutions related to this matter;[17]

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[16] Ibid., para. 363.

[17] Ibid., *Sixty-third Session, Supplement No. 17* and corrigendum (A/63/17 and Corr.1), paras. 373-381.

14. *Also welcomes* the discussion by the Commission of its role in promoting the rule of law at the national and international levels, in particular the conviction of the Commission that the implementation and effective use of modern private law standards on international trade are essential for advancing good governance, sustained economic development and the eradication of poverty and hunger and that promotion of the rule of law in commercial relations should be an integral part of the broader agenda of the United Nations to promote the rule of law at the national and international levels, including through the Rule of Law Coordination and Resource Group, supported by the Rule of Law Unit in the Executive Office of the Secretary-General, and the fact that the Commission is looking forward to being part of strengthened and coordinated activities of the Organization and sees its role in particular as providing assistance to States that seek to promote the rule of law in the area of international and domestic trade and investment;[18]

15. *Further welcomes* the consideration by the Commission of the proposed strategic framework for the period 2010-2011[19] and its review of the proposed biennial programme plan for the progressive harmonization, modernization and unification of the law of international trade (subprogramme 5), and takes note that, while the Commission noted with satisfaction that the objectives and expected accomplishments of the Secretariat and the overall strategy for subprogramme 5 were in line with its general policy, the Commission also expressed concern that the resources allotted to the Secretariat under subprogramme 5 were insufficient for it to meet, in particular, the increased demand for technical assistance from developing countries and countries with economies in transition to meet their urgent need for law reform in the field of commercial law, and urged the Secretary-General to take steps to ensure that the comparatively small amount of additional resources necessary to meet a demand so crucial to development are made available promptly;[20]

16. *Recalls* its resolutions on partnerships between the United Nations and non-State actors, in particular the private sector,[21] and its resolutions in which it encouraged the Commission to further explore different approaches to the use of partnerships with non-State actors in the implementation of its mandate, in particular in the area of technical assistance, in accordance with the applicable principles and guidelines and in cooperation and coordination with other relevant offices of the Secretariat, including the Global Compact Office;[22]

17. *Reiterates its request* to the Secretary-General, in conformity with the General Assembly resolutions on documentation-related matters,[23] which, in particular, emphasize that any reduction in the length of documents should not adversely affect either the quality of the presentation or the substance of the documents, to bear in mind the particular characteristics of the mandate and work of the Commission in implementing page limits with respect to the documentation of the Commission;

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[18] Ibid., para. 386.

[19] A/63/6 (Prog. 6).

[20] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 17* and corrigendum (A/63/17 and Corr.1), para. 391.

[21] Resolutions 55/215, 56/76, 58/129 and 60/215.

[22] Resolutions 59/39, 60/20 and 61/32.

[23] Resolutions 52/214, sect. B, 57/283 B, sect. III, and 58/250, sect. III.

18. *Requests* the Secretary-General to continue providing summary records of the meetings of the Commission, including committees of the whole established by the Commission for the duration of its annual session, relating to the formulation of normative texts;

19. *Recalls* its resolution approving the establishment of the *Yearbook of the United Nations Commission on International Trade Law*, with the aim of making the work of the Commission more widely known and readily available,[24] expresses its concern regarding the timeliness of the publication of the *Yearbook*, and requests the Secretary-General to explore options to facilitate the timely publication of the *Yearbook*;

20. *Stresses* the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urges States that have not yet done so to consider signing, ratifying or acceding to those conventions;

21. *Welcomes* the preparation of digests of case law relating to the texts of the Commission, such as a digest of case law relating to the United Nations Convention on Contracts for the International Sale of Goods[25] and a digest of case law relating to the Model Law on International Commercial Arbitration of the United Nations Commission on International Trade Law,[26] with the aim of assisting in the dissemination of information on those texts and promoting their use, enactment and uniform interpretation.

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[24] Resolution 2502 (XXIV), para. 7.

[25] United Nations, *Treaty Series*, vol. 1489, No. 25567.

[26] *Official Records of the General Assembly, Fortieth Session, Supplement No. 17* (A/40/17), annex I.

United Nations A/C.6/64/L.11

General Assembly

Distr.: Limited
26 October 2009

Original: English

Sixty-fourth session
Sixth Committee
Agenda item 79
Report of the United Nations Commission on International Trade Law on the work of its forty-second session

Draft resolution

Practice Guide on Cross-Border Insolvency Cooperation of the United Nations Commission on International Trade Law

The General Assembly,

Noting that increased trade and investment leads to a greater incidence of cases where business is conducted on a global basis, and enterprises and individuals have assets and interests in more than one State,

Noting also that where the subjects of insolvency proceedings are debtors with assets in more than one State or are members of an enterprise group with business operations and assets in more than one State, there is generally an urgent need for cross-border cooperation in, and coordination of, the supervision and administration of the assets and affairs of those debtors,

Recognizing that cooperation and coordination in cross-border insolvency cases have the potential to significantly improve the chances for rescuing financially troubled individuals and enterprise groups,

Acknowledging that familiarity with cross-border cooperation and coordination and the means by which they might be implemented in practice is not widespread, and that the availability of readily accessible information on current practice with respect to cross-border coordination and cooperation has the potential to facilitate and promote that cooperation and coordination and avoid unnecessary delay and costs,

Noting with satisfaction the completion and adoption of the Practice Guide on Cross-Border Insolvency Cooperation by the United Nations Commission on International Trade Law at its forty-second session, on 1 July 2009,[1]

[1] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 17* (A/64/17), chap. III.

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Noting further that the preparation of the Practice Guide was the subject of deliberations and consultation with Governments, judges and other professionals active in the field of cross-border insolvency,

1. *Expresses its appreciation* to the United Nations Commission on International Trade Law for the completion and adoption of its Practice Guide on Cross-Border Insolvency Cooperation;

2. *Requests* the Secretary-General to publish, including electronically, the text of the Practice Guide and to transmit it to Governments with the request that the text be made available to relevant authorities so that it becomes widely known and available;

3. *Recommends* that the Practice Guide be given due consideration, as appropriate, by judges, insolvency practitioners and other stakeholders involved in cross-border insolvency proceedings;

4. *Recommends also* that all States continue to consider implementation of the Model Law on Cross-Border Insolvency of the United Nations Commission on International Trade Law.

United Nations A/C.6/64/L.12

General Assembly

Distr.: Limited
30 October 2009

Original: English

Sixty-fourth session
Sixth Committee
Agenda item 106
Measures to eliminate international terrorism

Draft resolution

Measures to eliminate international terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the United Nations Global Counter-Terrorism Strategy in all its aspects adopted on 8 September 2006,[1] enhancing the overall framework for the efforts of the international community to effectively counter the scourge of terrorism in all its forms and manifestations, and recalling the first biennial review of the Strategy,[2] on 4 and 5 September 2008, and the debates that were held on that occasion,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[3]

Recalling also the United Nations Millennium Declaration,[4]

Recalling further the 2005 World Summit Outcome,[5] and reaffirming in particular the section on terrorism,

Recalling the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to resolution 51/210 of 17 December 1996,

[1] Resolution 60/288.
[2] Resolution 62/272.
[3] See resolution 50/6.
[4] See resolution 55/2.
[5] See resolution 60/1.

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Recalling also all General Assembly resolutions on measures to eliminate international terrorism, and Security Council resolutions on threats to international peace and security caused by terrorist acts,

Convinced of the importance of the consideration of measures to eliminate international terrorism by the General Assembly as the universal organ having competence to do so,

Deeply disturbed by the persistence of terrorist acts, which have been carried out worldwide,

Reaffirming its strong condemnation of the heinous acts of terrorism that have caused enormous loss of human life, destruction and damage, including those which prompted the adoption of General Assembly resolution 56/1 of 12 September 2001, as well as Security Council resolutions 1368 (2001) of 12 September 2001, 1373 (2001) of 28 September 2001 and 1377 (2001) of 12 November 2001, and those that have occurred since the adoption of the latter resolution,

Recalling the strong condemnation of the atrocious and deliberate attack against the headquarters of the United Nations Assistance Mission for Iraq in Baghdad on 19 August 2003 in General Assembly resolution 57/338 of 15 September 2003 and Security Council resolution 1502 (2003) of 26 August 2003,

Affirming that States must ensure that any measure taken to combat terrorism complies with all their obligations under international law and adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

Stressing the need to strengthen further international cooperation among States and among international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance with the principles of the Charter, international law and the relevant international conventions,

Noting the role of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism in monitoring the implementation of that resolution, including the taking of the necessary financial, legal and technical measures by States and the ratification or acceptance of the relevant international conventions and protocols,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism, and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,

Mindful also of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the national capacity of States to prevent and suppress effectively international terrorism in all its forms and manifestations,

Reiterating its call upon States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter,

Emphasizing that tolerance and dialogue among civilizations, and enhancing interfaith and intercultural understanding, are among the most important elements in promoting cooperation and success in combating terrorism, and welcoming the various initiatives to this end,

Reaffirming that no terrorist act can be justified in any circumstances,

Recalling Security Council resolution 1624 (2005) of 14 September 2005, and bearing in mind that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law,

Taking note of the recent developments and initiatives at the international, regional and subregional levels to prevent and suppress international terrorism, including those of, inter alia, the African Union, the ASEAN Regional Forum, the Asia-Pacific Economic Cooperation, the Association of Southeast Asian Nations, the Bali Counter-Terrorism Process, the Central American Integration System, the Collective Security Treaty Organization, the Common Market for Eastern and Southern Africa, the Cooperation Council for the Arab States of the Gulf, the Council of Europe, the East African Community, the Economic Community of West African States, the Euro-Mediterranean Partnership, the European Free Trade Association, the European Union, the Group of Eight, the Intergovernmental Authority on Development, the International Maritime Organization, the International Civil Aviation Organization, the League of Arab States, the Movement of Non-Aligned Countries, the North Atlantic Treaty Organization, the Organization for Economic Cooperation and Development, the Organization for Security and Cooperation in Europe, the Organization of American States, the Organization of the Islamic Conference, the Pacific Islands Forum, the Shanghai Cooperation Organization, the Southern African Development Community and the World Customs Organization,

Noting regional efforts to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, including through the elaboration of and adherence to regional conventions,

Recalling its decision in resolutions 54/110 of 9 December 1999, 55/158 of 12 December 2000, 56/88 of 12 December 2001, 57/27 of 19 November 2002, 58/81 of 9 December 2003, 59/46 of 2 December 2004, 60/43 of 8 December 2005, 61/40 of 4 December 2006, 62/71 of 6 December 2007 and 63/129 of 11 December 2008 that the Ad Hoc Committee established by General Assembly resolution 51/210 should address, and keep on its agenda, the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Recalling also the Final Document of the Fifteenth Summit Conference of the Heads of State and Government of the Movement of Non-Aligned Countries, adopted in Sharm el-Sheikh, Egypt, on 16 July 2009, which reiterated the collective position of the Non-Aligned Movement on terrorism and reaffirmed its previous initiative[6] calling for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international

[6] See A/53/667-S/1998/1071, annex I, paras. 149-162.

community to terrorism in all its forms and manifestations, as well as other relevant initiatives,

Aware of its resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003, 59/191 of 20 December 2004, 60/158 of 16 December 2005, 61/171 of 19 December 2006, 62/159 of 18 December 2007 and 63/185 of 18 December 2008,

Having examined the report of the Secretary-General,[7] the report of the Ad Hoc Committee established by resolution 51/210[8] and the oral report of the Chairperson on the work of the Working Group established by the Sixth Committee during the sixty-fourth session of the General Assembly,[9]

1. *Strongly condemns* all acts, methods and practices of terrorism in all its forms and manifestations as criminal and unjustifiable, wherever and by whomsoever committed;

2. *Calls upon* all Member States, the United Nations and other appropriate international, regional and subregional organizations to implement the United Nations Global Counter-Terrorism Strategy,[1] as well as the resolution on the first biennial review of the Strategy,[2] in all its aspects at the international, regional, subregional and national levels without delay, including through mobilizing resources and expertise;

3. *Recalls* the pivotal role of the General Assembly in following up the implementation and updating of the Strategy, and in this regard also recalls its invitation to the Secretary-General to contribute to the future deliberations of the General Assembly, and requests the Secretary-General when doing so to provide information on relevant activities within the Secretariat to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system;

4. *Reiterates* that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

5. *Reiterates its call upon* all States to adopt further measures in accordance with the Charter of the United Nations and the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider in particular the implementation of the measures set out in paragraphs 3 (*a*) to (*f*) of resolution 51/210;

6. *Also reiterates its call upon* all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

7. *Reiterates its call upon* States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

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[7] A/64/161 and Add.1.

[8] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 37* (A/64/37).

[9] Ibid., *Sixty-fourth Session, Sixth Committee*, 14th meeting (A/C.6/64/SR.14).

8. *Urges* States to ensure that their nationals or other persons and entities within their territory that wilfully provide or collect funds for the benefit of persons or entities who commit, or attempt to commit, facilitate or participate in the commission of terrorist acts are punished by penalties consistent with the grave nature of such acts;

9. *Reminds* States of their obligations under relevant international conventions and protocols and Security Council resolutions, including Security Council resolution 1373 (2001), to ensure that perpetrators of terrorist acts are brought to justice;

10. *Reaffirms* that international cooperation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter, international law and relevant international conventions;

11. *Recalls* the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism,[10] the Amendment to the Convention on the Physical Protection of Nuclear Material,[11] the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation[12] and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf,[13] and urges all States to consider, as a matter of priority, becoming parties to these instruments;

12. *Urges* all States that have not yet done so to consider as a matter of priority, and in accordance with Security Council resolution 1373 (2001), and Council resolution 1566 (2004) of 8 October 2004, becoming parties to the relevant conventions and protocols as referred to in paragraph 6 of General Assembly resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings,[14] the International Convention for the Suppression of the Financing of Terrorism,[15] the International Convention for the Suppression of Acts of Nuclear Terrorism, and the Amendment to the Convention on the Physical Protection of Nuclear Material, and calls upon all States to enact, as appropriate, the domestic legislation necessary to implement the provisions of those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts, and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

13. *Urges* States to cooperate with the Secretary-General and with one another, as well as with interested intergovernmental organizations, with a view to ensuring, where appropriate within existing mandates, that technical and other expert advice is provided to those States requiring and requesting assistance in becoming parties to and implementing the conventions and protocols referred to in paragraph 12 above;

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[10] Resolution 59/290, annex.

[11] Adopted on 8 July 2005 by the Conference to Consider Proposed Amendments to the Convention on the Physical Protection of Nuclear Material.

[12] Adopted on 14 October 2005 by the Diplomatic Conference on the Revision of the SUA Treaties (LEG/CONF.15/21).

[13] Adopted on 14 October 2005 by the Diplomatic Conference on the Revision of the SUA Treaties (LEG/CONF.15/22).

[14] United Nations, *Treaty Series*, vol. 2149, No. 37517.

[15] Ibid., vol. 2178, No. 38349.

14. *Notes with appreciation and satisfaction* that, consistent with the call contained in paragraphs 11 and 12 of resolution 63/129, a number of States became parties to the relevant conventions and protocols referred to therein, thereby realizing the objective of wider acceptance and implementation of those conventions;

15. *Reaffirms* the Declaration on Measures to Eliminate International Terrorism and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, and calls upon all States to implement them;

16. *Calls upon* all States to cooperate to prevent and suppress terrorist acts;

17. *Urges* all States and the Secretary-General, in their efforts to prevent international terrorism, to make the best use of the existing institutions of the United Nations;

18. *Requests* the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in Vienna to continue its efforts to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognizes, in the context of the United Nations Global Counter-Terrorism Strategy and Security Council resolution 1373 (2001), its role in assisting States in becoming parties to and implementing the relevant international conventions and protocols relating to terrorism, including the most recent among them, and in strengthening international cooperation mechanisms in criminal matters related to terrorism, including through national capacity-building;

19. *Welcomes* the current efforts by the Secretariat to prepare the third edition of the publication *International Instruments related to the Prevention and Suppression of International Terrorism* in all official languages;

20. *Invites* regional intergovernmental organizations to submit to the Secretary-General information on the measures they have adopted at the regional level to eliminate international terrorism, as well as on intergovernmental meetings held by those organizations;

21. *Notes* the progress attained in the elaboration of the draft comprehensive convention on international terrorism during the meetings of the Ad Hoc Committee established by General Assembly resolution 51/210 and the Working Group established by the Sixth Committee during the sixty-fourth session of the General Assembly, and welcomes continuing efforts to that end;

22. *Decides* that the Ad Hoc Committee shall, on an expedited basis, continue to elaborate the draft comprehensive convention on international terrorism, and shall continue to discuss the item included in its agenda by General Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations;

23. *Also decides* that the Ad Hoc Committee shall meet from 12 to 16 April 2010 in order to fulfil the mandate referred to in paragraph 22 above;

24. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

25. *Requests* the Ad Hoc Committee to report to the General Assembly at its sixty-fourth session in the event of the completion of the draft comprehensive convention on international terrorism;

26. *Also requests* the Ad Hoc Committee to report to the General Assembly at its sixty-fifth session on progress made in the implementation of its mandate;

27. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "Measures to eliminate international terrorism".

United Nations A/C.6/64/L.13

General Assembly

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3 November 2009

Original: English

Sixty-fourth session
Sixth Committee
Agenda item 164
Report of the Committee on Relations with the Host Country

Bulgaria, Canada, Costa Rica, Côte d'Ivoire and Cyprus: draft resolution

Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country,[1]

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations,[2] the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations[3] and the responsibilities of the host country,

Recalling also that, in accordance with paragraph 7 of General Assembly resolution 2819 (XXVI) of 15 December 1971, the Committee should consider, and advise the host country on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

1. *Endorses* the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 25 of its report;[1]

2. *Considers* that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations and the observance of their privileges and immunities, which is an issue of great importance, are in the interest of the United Nations and all Member States, and requests the host country to continue to solve, through negotiations, problems that might arise and to take all measures necessary to prevent any interference with the functioning of missions; and urges the host country to continue to take appropriate

[1] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 26* (A/64/26).
[2] Resolution 22 A (I).
[3] See resolution 169 (II).

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action, such as training of police, security, customs and border control officers, with a view to maintaining respect for diplomatic privileges and immunities and if violations occur to ensure that such cases are properly investigated and remedied, in accordance with applicable law;

3. *Notes* the problems experienced by some permanent missions in connection with the implementation of the Parking Programme for Diplomatic Vehicles[4] and shall remain seized of the matter, with a view to continuing to maintain the proper implementation of the Parking Programme in a manner that is fair, non-discriminatory, effective and therefore consistent with international law;

4. *Requests* the host country to consider removing the remaining travel restrictions imposed by it on staff of certain missions and staff members of the Secretariat of certain nationalities, and, in this regard, notes the positions of affected States as reflected in the report of the Committee, of the Secretary-General and of the host country;

5. *Notes* that the Committee anticipates that the host country will enhance its efforts to ensure the issuance, in a timely manner, of entry visas to representatives of Member States, pursuant to article IV, section 11, of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations[3] to travel to New York on United Nations business; and notes that the Committee anticipates that the host country will enhance efforts to facilitate participation, including visa issuance, of representatives of Member States in other United Nations meetings as appropriate;

6. *Notes also* that a number of delegations have requested shortening the time frame applied by the host country for issuance of entry visas to representatives of Member States, since this time frame poses difficulties for the full-fledged participation of Member States in United Nations meetings;

7. *Expresses its appreciation* for the efforts made by the host country, and hopes that the issues raised at the meetings of the Committee will continue to be resolved in a spirit of cooperation and in accordance with international law;

8. *Affirms* the importance of the Committee being in a position to fulfil its mandate and meet on short notice to deal with urgent and important matters concerning the relations between the United Nations and the host country, and in that connection requests the Secretariat and the Committee on Conferences to accord priority to requests from the Committee on Relations with the Host Country for conference-servicing facilities for meetings of that Committee that must be held while the General Assembly and its Main Committees are meeting, without prejudice to the requirements of those bodies and on an "as available" basis;

9. *Requests* the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

10. *Requests* the Committee to continue its work in conformity with General Assembly resolution 2819 (XXVI);

11. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "Report of the Committee on Relations with the Host Country".

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[4] A/AC.154/355, annex.

United Nations A/C.6/64/L.14

General Assembly

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3 November 2009

Original: English

Sixty-fourth session
Sixth Committee
Agenda item 83
The rule of law at the national and international levels

Liechtenstein and Mexico: draft resolution

The rule of law at the national and international levels

The General Assembly,

Recalling its resolution 63/128 of 11 December 2008,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations and international law, which are indispensable foundations of a more peaceful, prosperous and just world, and reiterating its determination to foster strict respect for them and to establish a just and lasting peace all over the world,

Reaffirming also that human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations,

Reaffirming further the need for universal adherence to and implementation of the rule of law at both the national and international levels and its solemn commitment to an international order based on the rule of law and international law, which, together with the principles of justice, is essential for peaceful coexistence and cooperation among States,

Convinced that the advancement of the rule of law at the national and international levels is essential for the realization of sustained economic growth, sustainable development, the eradication of poverty and hunger and the protection of all human rights and fundamental freedoms, and acknowledging that collective security depends on effective cooperation, in accordance with the Charter and international law, against transnational threats,

Reaffirming the duty of all States to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations and to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered, in accordance with Chapter VI of the Charter, and calling upon States

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that have not yet done so to consider accepting the jurisdiction of the International Court of Justice in accordance with its Statute,

Convinced that the promotion of and respect for the rule of law at the national and international levels, as well as justice and good governance, should guide the activities of the United Nations and of its Member States,

Recalling paragraph 134 (e) of the 2005 World Summit Outcome,[1]

1. *Takes note of* the annual report of the Secretary-General on strengthening and coordinating United Nations rule of law activities;[2]

2. *Reaffirms* the role of the General Assembly in encouraging the progressive development of international law and its codification, and reaffirms further that States shall abide by all their obligations under international law;

3. *Stresses* the importance of adherence to the rule of law at the national level, and the need to strengthen support to Member States, upon their request, in the domestic implementation of their respective international obligations through enhanced technical assistance and capacity-building, based on greater coordination and coherence within the United Nations system and among donors, and calls for greater evaluation of the effectiveness of such activities;

4. *Calls upon* the United Nations system to systematically address, as appropriate, aspects of the rule of law in relevant activities, recognizing the importance of the rule of law to virtually all areas of United Nations engagement;

5. *Expresses full support* for the overall coordination and coherence role of the Rule of Law Coordination and Resource Group within the United Nations system within existing mandates, supported by the Rule of Law Unit in the Executive Office of the Secretary-General, under the leadership of the Deputy Secretary-General;

6. *Requests* the Secretary-General to submit his annual report on United Nations rule of law activities, in accordance with paragraph 5 of resolution 63/128, taking note of paragraph 97 of the report;[2]

7. *Welcomes* the dialogue initiated by the Rule of Law Coordination and Resource Group and the Rule of Law Unit with Member States on the topic "Promoting the rule of law at the international level", and calls for the continuation of this dialogue with a view to fostering the rule of law at the international level;

8. *Encourages* the Secretary-General and the United Nations system to accord high priority to rule of law activities;

9. *Invites* the International Court of Justice, the United Nations Commission on International Trade Law and the International Law Commission to continue to comment, in their respective reports to the General Assembly, on their current roles in promoting the rule of law;

10. *Invites* the Rule of Law Coordination and Resource Group and the Rule of Law Unit to continue to interact with Member States on a regular basis, in particular in informal briefings;

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[1] See resolution 60/1.

[2] A/64/298.

11. *Stresses* the need to provide the Rule of Law Unit with the necessary funding and staff in order to enable it to carry out its tasks in an effective and sustainable manner and urges the Secretary-General and Member States to continue to support the functioning of the Unit;

12. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "The rule of law at the national and international levels", invites Member States to focus their comments in the upcoming Sixth Committee debate on the sub-topic "Laws and practices of Member States in implementing international law",[3] without prejudice to the consideration of the item as a whole, and invites the Secretary-General to provide information on this sub-topic in his report, after seeking the views of Member States.

[3] See also the note by the Chairman of the Sixth Committee, A/C.6/63/L.23; resolution 63/128 identified "Rule of law and transitional justice in conflict and post-conflict situations" as sub-topic for the sixty-sixth session.

United Nations A/C.6/64/L.15

General Assembly

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Sixty-fourth session
Sixth Committee
Agenda item 81
Report of the International Law Commission on the work of its sixty-first session

Draft resolution

Report of the International Law Commission on the work of its sixty-first session

The General Assembly,

Having considered the report of the International Law Commission on the work of its sixty-first session,[1]

Emphasizing the importance of furthering the progressive development of international law and its codification as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[2]

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission to enhance further their contribution to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Reaffirming the importance to the successful work of the International Law Commission of the information provided by Member States concerning their views and practice,

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[1] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 10* (A/64/10).

[2] Resolution 2625 (XXV), annex.

09-59510 (E) 061109

Please recycle

Recognizing the importance of the work of the special rapporteurs of the International Law Commission,

Recalling the role of Member States in submitting proposals for the consideration of the International Law Commission,

Welcoming the holding of the International Law Seminar, and noting with appreciation the voluntary contributions made to the United Nations Trust Fund for the International Law Seminar,

Acknowledging the importance of facilitating the timely publication of the *Yearbook of the International Law Commission* and eliminating the backlog,

Stressing the usefulness of focusing and structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention to each of the main topics dealt with in the report and for discussions on specific topics,

Wishing to enhance further, in the context of the revitalization of the debate on the report of the International Law Commission, the interaction between the Sixth Committee as a body of governmental representatives and the Commission as a body of independent legal experts, with a view to improving the dialogue between the two bodies,

Welcoming initiatives to hold interactive debates, panel discussions and question time in the Sixth Committee, as envisaged in resolution 58/316 of 1 July 2004 on further measures for the revitalization of the work of the General Assembly,

1. *Takes note* of the report of the International Law Commission on the work of its sixty-first session,[1] and recommends that the Commission continue its work on the topics in its current programme, taking into account the comments and observations of Governments, whether submitted in writing or expressed orally in debates in the Sixth Committee;

2. *Expresses its appreciation* to the International Law Commission for the work accomplished at its sixty-first session, in particular for the completion, on the first reading, of the draft articles on the topic "Responsibility of international organizations";

3. *Draws the attention* of Governments to the importance for the International Law Commission of having their views on the various aspects involved in the topics on the agenda of the Commission, in particular on all the specific issues identified in chapter III of its report,[3] regarding:

(a) Responsibility of international organizations;

(b) Expulsion of aliens;

(c) Shared natural resources;

4. *Invites* Governments, within the context of paragraph 3 above, to provide information to the International Law Commission regarding practice with regard to the topic "Expulsion of aliens";

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[3] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 10* (A/64/10), paras. 27-30.

5. *Draws the attention* of Governments to the importance for the International Law Commission of having their comments and observations by 1 January 2011 on the draft articles and commentaries on the topic "Responsibility of international organizations" adopted on first reading by the Commission at its sixty-first session;[4]

6. *Takes note* of the report of the Secretary-General on assistance to special rapporteurs of the International Law Commission[5] and paragraphs 240 to 242 of the report of the International Law Commission,[1] and reiterates its request to the Secretary-General to submit to the General Assembly at its sixty-fifth session the options regarding additional support of the work of special rapporteurs;

7. *Invites* the International Law Commission to continue taking measures to enhance its efficiency and productivity and to consider making proposals to that end;

8. *Encourages* the International Law Commission to continue taking cost-saving measures at its future sessions without prejudice to the efficiency and effectiveness of its work;

9. *Takes note* of paragraph 244 of the report of the International Law Commission, and decides that the next session of the Commission shall be held at the United Nations Office at Geneva from 3 May to 4 June and from 5 July to 6 August 2010;

10. *Welcomes* the enhanced dialogue between the International Law Commission and the Sixth Committee at the sixty-fourth session of the General Assembly, stresses the desirability of further enhancing the dialogue between the two bodies, and in this context encourages, inter alia, the continued practice of informal consultations in the form of discussions between the members of the Sixth Committee and the members of the Commission attending the sixty-fifth session of the Assembly;

11. *Encourages* delegations, during the debate on the report of the International Law Commission, to adhere as far as possible to the structured work programme agreed to by the Sixth Committee and to consider presenting concise and focused statements;

12. *Encourages* Member States to consider being represented at the level of legal adviser during the first week in which the report of the International Law Commission is discussed in the Sixth Committee (International Law Week) to enable high-level discussions on issues of international law;

13. *Requests* the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, any specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

14. *Takes note* of paragraphs 243 and 245 to 249 of the report of the International Law Commission with regard to cooperation and interaction with other bodies, and encourages the Commission to continue the implementation of article 16,

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[4] Ibid., para. 18.

[5] A/64/283.

paragraph (e), article 25 and article 26, paragraphs 1 and 2, of its statute in order to further strengthen cooperation between the Commission and other bodies concerned with international law, having in mind the usefulness of such cooperation;

15. *Notes* that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the International Law Commission and in formulating their comments and observations;

16. *Reaffirms* its previous decisions concerning the indispensable role of the Codification Division of the Office of Legal Affairs of the Secretariat in providing assistance to the International Law Commission, including in the preparation of memorandums and studies on topics on the agenda of the Commission;

17. *Approves* the conclusions reached by the International Law Commission in paragraph 232 of its report, and reaffirms its previous decisions concerning the documentation and summary records of the Commission;[6]

18. *Takes note* of paragraph 233 of the report of the International Law Commission and stresses the need to expedite the preparation of the summary records of the Commission;

19. *Also takes note* of paragraph 234 of the report of the International Law Commission and, without prejudice to the importance of ensuring necessary allocations in the regular budget, acknowledges the establishment by the Secretary-General of a trust fund to accept voluntary contributions so as to address the backlog relating to the *Yearbook of the International Law Commission*, and invites voluntary contributions to that end;

20. *Welcomes* the continuous efforts of the Codification Division to maintain and improve the website relating to the work of the International Law Commission;[7]

21. *Expresses the hope* that the International Law Seminar will continue to be held in connection with the sessions of the International Law Commission and that an increasing number of participants, in particular from developing countries, will be given the opportunity to attend the Seminar, and appeals to States to continue to make urgently needed voluntary contributions to the United Nations Trust Fund for the International Law Seminar;

22. *Requests* the Secretary-General to provide the International Law Seminar with adequate services, including interpretation, as required, and encourages him to continue considering ways to improve the structure and content of the Seminar;

23. *Also requests* the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the sixty-fourth session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

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[6] See resolutions 32/151, para. 10, and 37/111, para. 5, and all subsequent resolutions on the annual reports of the International Law Commission to the General Assembly.

[7] www.un.org/law/ilc.

24. *Requests* the Secretariat to circulate to States, as soon as possible after the conclusion of the session of the International Law Commission, chapter II of its report containing a summary of the work of that session, chapter III containing the specific issues on which the views of Governments would be of particular interest to the Commission and the draft articles adopted on either first or second reading by the Commission;

25. *Encourages* the International Law Commission to continue considering ways in which specific issues on which the views of Governments would be of particular interest to the Commission could be framed so as to help Governments to have a better appreciation of the issues on which responses are required;

26. *Recommends* that the debate on the report of the International Law Commission at the sixty-fifth session of the General Assembly commence on 25 October 2010.

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Sixty-fourth session
Sixth Committee
Agenda item 118
Revitalization of the work of the General Assembly

Under agenda item 118, "Revitalization of the work of the General Assembly", pursuant to paragraph 3 (b) of the annex to General Assembly resolution 58/316, each Main Committee shall adopt a provisional programme of work for the next session. Accordingly, the Bureau of the Sixth Committee has prepared a provisional programme of work for the sixty-fifth session of the General Assembly.

Draft decision

Provisional programme of work of the Sixth Committee for the sixty-fifth session of the General Assembly

The Sixth Committee decides to adopt the following provisional programme of work for the sixty-fifth session of the General Assembly, as proposed by the Bureau:

Provisional programme of work[1]

4 October	Organization of work of the Sixth Committee
4 October	Administration of justice at the United Nations
5 and 6 October	Measures to eliminate international terrorism
8 October	Criminal accountability of United Nations officials and experts on mission
11 October	Report of the United Nations Commission on International Trade Law on the work of its forty-third session
12 October	The rule of law at the national and international levels
12 and 13 October	The scope and application of the principle of universal jurisdiction

[1] Indicating provisional dates in 2010 for debates under the respective items.

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13 and 15 October	Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts
13 and 15 October	Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives
18 October	Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
19 October	Responsibility of States for internationally wrongful acts
20 October	Diplomatic protection
21 and 22 October	Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm
25 October-3 November	Report of the International Law Commission on the work of its sixty-second session
11 November	Report of the Committee on Relations with the Host Country
	Revitalization of the work of the General Assembly
	Programme planning
	Election of the officers of the Main Committees
7 and 14 October and 4 November	Reserved

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General Assembly

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Sixty-fourth session
Sixth Committee
Agenda item 80
United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

Draft resolution

United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

The General Assembly,

Recalling its resolution 2099 (XX) of 20 December 1965, in which it established the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law to contribute towards a better knowledge of international law as a means of strengthening international peace and security and of promoting friendly relations and cooperation among States,

Recognizing that the Programme of Assistance is a core activity of the United Nations and that the Programme has provided the foundation for the efforts of the United Nations to promote a better knowledge of international law for more than four decades,

Recognizing also that the increasing demand for international law training and dissemination creates new challenges for the Programme of Assistance,

Taking note with appreciation of the report of the Secretary-General on the implementation of the Programme of Assistance[1] and the views of the Advisory Committee on the Programme of Assistance, which are contained in that report,

Considering that international law should occupy an appropriate place in the teaching of legal disciplines at all universities,

Convinced that States, international and regional organizations, universities and institutions should be encouraged to give further support to the Programme of Assistance and increase their activities to promote the teaching, study, dissemination

[1] A/64/495.

Please recycle

and wider appreciation of international law, in particular those activities which are of special benefit to persons from developing countries,

Reaffirming that in the conduct of the Programme of Assistance it would be desirable to use as far as possible the resources and facilities made available by Member States, international and regional organizations, universities, institutions and others,

Reaffirming also the hope that, in appointing lecturers for the seminars to be held within the framework of the fellowship programmes in international law, account would be taken of the need to secure the representation of major legal systems and balance among various geographical regions,

1. *Approves* the guidelines and recommendations contained in section III of the report of the Secretary-General,[1] in particular those designed to achieve the best possible results in the administration of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law within a policy of maximum financial restraint;

2. *Authorizes* the Secretary-General to carry out in 2010 and 2011 the activities specified in his report, including the provision of:

(a) A number of fellowships to be determined in the light of the overall resources for the Programme of Assistance and to be awarded to qualified candidates from developing countries to attend the International Law Fellowship Programme in The Hague in 2010 and 2011;

(b) A number of fellowships to be determined in the light of the overall resources for the Programme of Assistance and to be awarded to qualified candidates from developing countries to attend regional courses in international law in 2010 and 2011;

and to finance the above activities from provisions in the regular budget, when appropriate, as well as from voluntary financial contributions for these fellowships, which would be received as a result of the requests set out in paragraphs 19 to 21 below;

3. *Also authorizes* the Secretary-General to award a minimum of one scholarship in both 2010 and 2011 under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, subject to the availability of new voluntary contributions made specifically for this fellowship;

4. *Expresses its appreciation* to the Secretary-General for his efforts to strengthen, expand and enhance the international law training and dissemination activities within the framework of the Programme of Assistance in 2008 and 2009;

5. *Requests* the Secretary-General to consider admitting, for participation in the various components of the Programme of Assistance, candidates from countries willing to bear the entire cost of such participation;

6. *Also requests* the Secretary-General to continue to provide the necessary resources to the programme budget for the Programme of Assistance for the next and the future bienniums with a view to ensuring the continued effectiveness of the Programme of Assistance;

7. *Recognizes* the importance of the United Nations legal publications prepared by the Office of Legal Affairs, and strongly encourages their continued publication;

8. *Welcomes* the efforts undertaken by the Office of Legal Affairs to bring up to date the United Nations legal publications, and, in particular, commends the Codification Division for its desktop publishing initiative, which has greatly enhanced the timely issuance of its legal publications;

9. *Welcomes* the creation by the Codification Division of the new websites for the *United Nations Juridical Yearbook*,[2] the United Nations diplomatic conferences,[3] and the United Nations legal publications portal, as well as the expansion of the website on the *Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice*;[4]

10. *Encourages* the Office of Legal Affairs to continue to maintain and expand its websites listed in annex I to the report of the Secretary-General[1] as an invaluable tool for the dissemination of international law materials as well as for advanced legal research;

11. *Recognizes* the importance of the United Nations Audiovisual Library of International Law as a major contribution to the teaching and dissemination of international law around the world and urges States to make voluntary contributions to enable the Codification Division to continue and further develop the Library;

12. *Commends* the Codification Division on the 2009 Best Website Award granted to the United Nations Audiovisual Library of International Law by the International Association of Law Librarians at its annual meeting, held in Turkey in October 2009;

13. *Requests* the Secretary-General to provide relevant information to the Advisory Committee on the Programme of Assistance, to facilitate its consideration of the matter referred to in paragraph 89 of his report;[1]

14. *Encourages* the use of the internship programme for the preparation of materials for the United Nations Audiovisual Library of International Law;

15. *Welcomes* the training and technical assistance activities in international law undertaken by the Office of Legal Affairs in the framework of the Programme of Assistance, as described in the report of the Secretary-General, and encourages the continuation of such activities within available resources;

16. *Expresses its appreciation* to the United Nations Institute for Training and Research for its participation in the Programme of Assistance through the activities described in the report of the Secretary-General;

17. *Also expresses its appreciation* to The Hague Academy of International Law for the valuable contribution it continues to make to the Programme of Assistance, which has enabled candidates under the International Law Fellowship Programme to attend and participate in the Fellowship Programme in conjunction with the Academy courses;

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[2] www.un.org/law/UNJuridicalYearbook/index.htm.

[3] http://untreaty.un.org/cod/diplomaticconferences/index.html.

[4] www.un.org/law/UNlegalpublications/index.html.

18. *Notes with appreciation* the contributions of The Hague Academy to the teaching, study, dissemination and wider appreciation of international law, and calls upon Member States and interested organizations to give favourable consideration to the appeal of the Academy for a continuation of support and a possible increase in their financial contributions, to enable the Academy to carry out its activities, particularly those relating to the summer courses, regional courses and programmes of the Centre for Studies and Research in International Law and International Relations;

19. *Requests* the Secretary-General to continue to publicize the Programme of Assistance and periodically to invite Member States, universities, philanthropic foundations and other interested national and international institutions and organizations, as well as individuals, to make voluntary contributions towards the financing of the Programme of Assistance or otherwise to assist in its implementation and possible expansion;

20. *Reiterates its request* to Member States and to interested organizations and individuals to make voluntary contributions, inter alia, for the International Law Fellowship Programme and the United Nations Audiovisual Library of International Law, and expresses its appreciation to those Member States, institutions and individuals which have made voluntary contributions for this purpose;

21. *Urges* in particular all Governments to make voluntary contributions for regional courses in international law, as an important complement to the International Law Fellowship Programme, organized by the Codification Division of the Office of Legal Affairs, thus alleviating the burden on prospective host countries and making it possible to resume the organization of regional courses;

22. *Requests* the Secretary-General to report to the General Assembly at its sixty-fifth session on the implementation of the Programme of Assistance during 2010 and, following consultations with the Advisory Committee on the Programme of Assistance, to submit recommendations regarding the execution of the Programme of Assistance in subsequent years;

23. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law".

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Sixty-fourth session
Sixth Committee
Agenda item 84
The scope and application of the principle of universal jurisdiction

Draft resolution

The scope and application of the principle of universal jurisdiction

The General Assembly,

Reaffirming its commitment to the purposes and principles of the Charter, international law and to an international order based on the rule of law, which is essential for peaceful coexistence and cooperation among States,

1. *Requests* the Secretary-General to invite Member States to submit, before 30 April 2010, information and observations on the scope and application of the principle of universal jurisdiction, including information on the relevant applicable international treaties, their domestic legal rules and judicial practice, and to prepare and submit to the General Assembly, at its sixty-fifth session, a report based on such information and observations;

2. *Decides* that the Sixth Committee shall continue its consideration of the scope and application of the principle of universal jurisdiction, without prejudice to the consideration of related issues in other forums of the United Nations;

3. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "The scope and application of the principle of universal jurisdiction".

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